

**MEMO ENDORSED**

MICHAEL J. CORRY
Corporation Counsel

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THE CITY OF NEW YORK
LAW DEPARTMENT
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NEW YORK, N.Y. 10007

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July 17, 2008

BY HAND

Honorable James C. Francis IV
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Ricks v. O'Hanlon, et al., 07 CV 9849 (WHP)(JCF)

Dear Judge Francis:

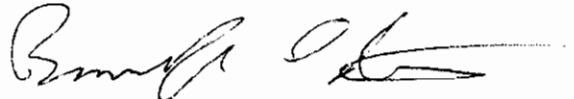
I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for defendant Bronx County District Attorney Robert Johnson in the above-referenced matter. As Your Honor may recall, by letter dated June 19, 2008, this office objected pursuant to Fed. R. Civ. P. 72 to Your Honor's Order dated June 10, 2008, denying a request to stay this matter pending the resolution of plaintiff's criminal prosecution. By letter to District Judge Pauley dated July 17, 2008, a copy of which is enclosed, this office withdrew its objection to the Court's June 10, 2008 Order, as plaintiff recently pled guilty to the crime of reckless endangerment in connection with the arrest that is the subject of this action.

However, on information and belief, investigations into the incident alleged in the amended complaint are currently being conducted by the Civilian Complaint Review Board and the Internal Affairs Bureau of the New York City Police Department. Accordingly, this office respectfully requests 10 days, until July 28, 2008, to look into the pending investigations, resolve representational issues with respect to the served police officers, Officers O'Hanlon and Rodriguez, and for all defendants to serve an answer or otherwise respond to the amended complaint.

In light of plaintiff's criminal conviction, we will be forwarding to plaintiff a stipulation to withdraw any false arrest or malicious prosecution the amended complaint could be construed to allege.

Thank you for your consideration in this regard.

Respectfully submitted,



Bradford C. Patrick
Assistant Corporation Counsel
Special Federal Litigation Division

cc: BY MAIL
James Ricks, #241-06-08006
Plaintiff Pro Se
Otis Bantum Correctional Center
1600 Hazen St.
East Elmhurst, NY 11370

7/21/08
Application granted.
SO ORDERED.
James C. Francis IV
USMJ